

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/699,402 Confirmation No. : 6990  
First Named Inventor : Masahiro MATSUO  
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Examiner : Aravind K. MOORTHY  
  
Docket No. : 038849.49341  
Customer No. : 23911  
  
Title : Network Apparatus

**APPEAL BRIEF**

**Mail Stop Appeal Brief- Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On January 19, 2007, Appellant appealed to the Board of Patent Appeals from the final rejection of claims 2-13, 16-20, and 22-25. The following is Appellant's Appeal Brief submitted pursuant to 37 C.F.R. § 1.192.

**I. REAL PARTY IN INTEREST**

An assignment of the present application to Funai Electric Co., Ltd. was recorded on October 31, 2000 at Reel/Frame 011334/0268, which represents the real party in interest.

**II. RELATED APPEALS AND INTERFERENCES**

Appellant is not aware of any appeals, interferences or other proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. STATUS OF CLAIMS**

Claims 1, 14, 15 and 21 are canceled. Claims 2-13, 16-20, and 22-25 are rejected and are the subject of this appeal.

**IV. STATUS OF AMENDMENTS**

Appellant has not submitted any amendment subsequent to the final rejection of October 19, 2006.

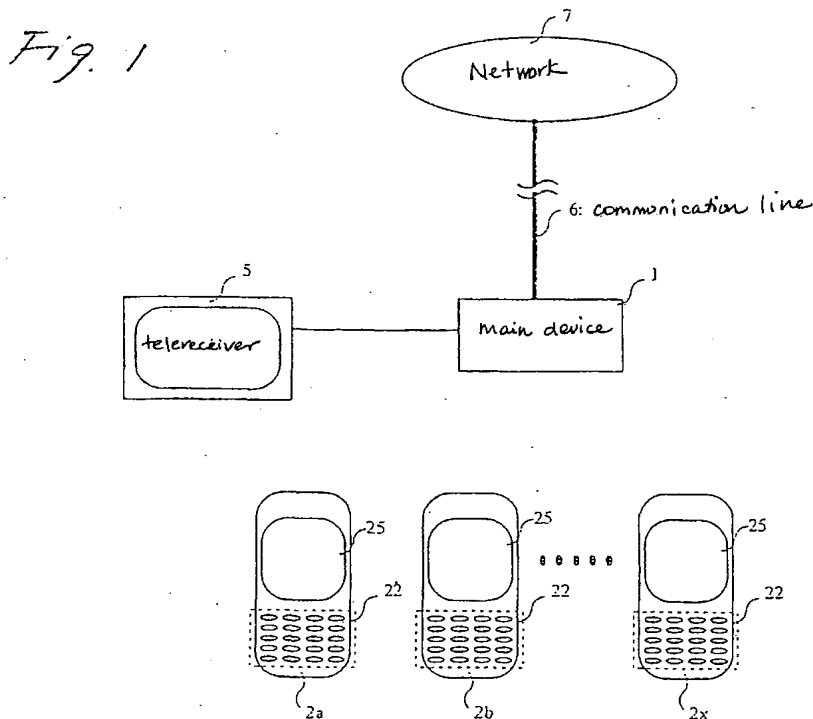
**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Exemplary embodiments of the disclosed invention are directed to a network apparatus and remote controller devices capable of accessing services provided from a linked network, such as the Internet.

Conventional Internet terminals can provide services, such as an electronic mail service. These conventional terminals are coupled to a telereceiver, and when electronic mail is retrieved, the contents are displayed on the telereceiver. The problem with these conventional terminals is that the

telereceiver can be viewed by anyone around the user, and the electronic mail may contain private information that the user may not others to view.

Exemplary embodiments of the disclosed invention overcome this problem by providing remote controller devices 2a-2x that communicate with a main device 1 in order to obtain information from network 7. (Fig. 1 and page 7, lines 21-25).



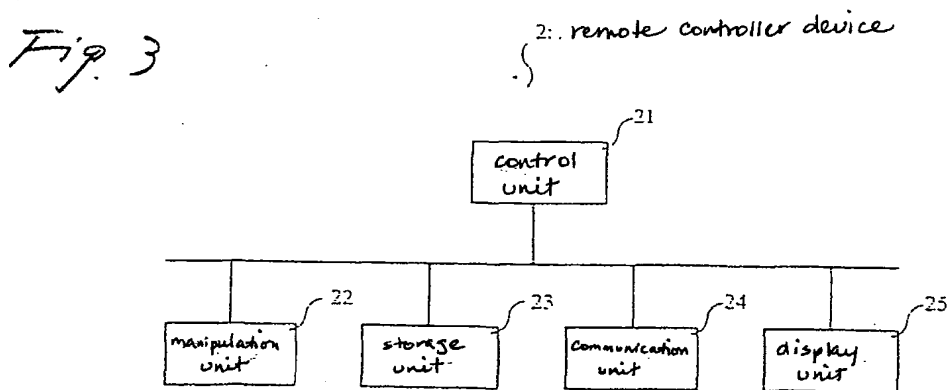
The remote controller devices 2a-2x each include a display 25 on which information obtained from network 7 can be displayed. (Page 9, lines 15-16). These displays allow users of remote controller devices 2a-2x to obtain private information from network 7 via a main device 1, while maintaining the privacy

by viewing on a screen 25 that can be hidden from viewing by others, which provides improved security when viewing private information.

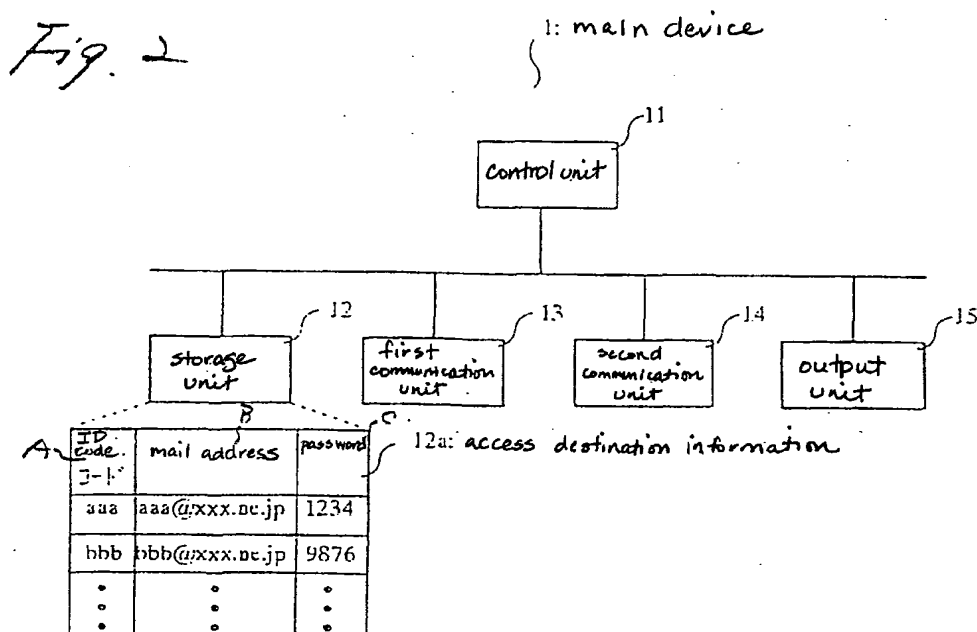
Because main terminal 1 can support more than one remote controller device 2a-2x, each remote controller device is assigned its own identification code. (Page 8, lines 6-9). This identification code is stored in storage unit 12 of main device 1 in a one-to-one correspondence with a mail address and password. (Page 8, lines 21-25). By storing this information in a one-to-one correspondence, only the user of a particular remote controller device 2a-2x can view mail that is intended for that particular user. In other words when a remote controller device 2a-2x corresponding to a particular access destination is not present, the main device cannot access the access destination. Exemplary embodiments of the disclosed invention also allow a remote controller device 2a-2x to send a display switching signal to main device 1 to enable or disable display of the information obtained from the access destination on telereceiver 5. (Page 9, lines 3-9).

Independent claim 2 is directed to a network apparatus. The network apparatus comprises a main device 1 linked to a network 7 represented by the Internet, and a portable remote controller device 2a-2x for remotely controlling the main device by means of communication. (Page 7, lines 21-250).

The remote controller device includes access destination specifying means for specifying an access destination to the main device 1. (Page 14, lines 12-20). The remote controller device 2a-2x also includes display means 25 for displaying information sent from the main device 1. (Page 9, lines 15-16). The remote controller device further includes identification code storage means 23 for storing an identification code identifying itself. (Page 9, line 13). The access destination specifying means 12a serves as means for sending the identification code. (Page 14, line 25, page 15, line 1).



The main device 1 includes access means for accessing the access destination specified by the remote controller device and obtaining information therefrom. (Page 10, lines 17-23). The main device 1 also includes information sending means for sending the information obtained by the access means to the remote controller device. (Page 11, lines 2-5). The main device further includes access destination storage means 12a for storing the identification code of the remote controller device and the access destination in a one-to-one correspondence. (Page 8, lines 21-25). The access means serves as means for accessing the access destination corresponding to the identification code received from the remote controller device. (Page 10, lines 17-23).



Independent claim 6 is directed to a network apparatus that comprises a main device 1 linked to a network 7 represented by the internet, and a portable remote controller device 2a-2x for remotely controlling the main device by means of communication. (Page 7, lines 21-25).

The remote controller device 2a-2x includes access destination specifying means for specifying an access destination to the main device 1. (Page 14, lines 12-20). The remote controller device 2a-2x also includes display means 25 for displaying information sent from the main device 1.

The main device 1 includes access means for accessing the access destination specified by the remote controller device and obtaining information therefrom. (Page 10, lines 17-23). The main device 1 also includes information sending means for sending the information obtained by the access means to the remote controller device. (Page 11, lines 2-5).

The information sending means of the main device 1 sends the information to the remote controller device 2a-2x at an information sending destination after appending the identification code of the remote controller device 2a-2x to the information. (Page 11, lines 5-8). The remote controller device 2a-2x further includes display disabling means for, when the information sent from the main device to the display means is not appended with its own identification code, disabling display of the information. (Page 12, lines 8-17).

Independent claim 22 is directed to a method for accessing information over a network 7. A main device 1 receives a request for information from a portable remote controller device 2a-2x. (Page 10, lines 8-10). The main device obtains the requested information. (Page 10, lines 17-21). It is determined whether an output to a display device coupled to the main device is allowed. (Page 11, lines 12-13). The output to the display device is disabled when it is determined that the output is not allowed. (Page 11, lines 14-20). The requested information is provided to the portable remote controller device. (Page 11, lines 2-4). The main device receives from the portable remote controller device a display switching signal. (Page 16, lines 3-7). The main device stores a setting for the portable remote controller device based on the display switching signal. (Page 16, lines 20-24). The determination of whether an output to the display device coupled to the main device is allowed is based on the stored setting. (Page 16, lines 10-13).

## **VI. GROUNDS OF REJECTION TO BE REVIEW ON APPEAL**

The grounds of rejection presented for review on this appeal are as follows:

1. Whether the rejection of claims 2-13, 16-20, 24 and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,130,726 to Darbee et al. ("Darbee") is proper; and
2. Whether the rejection of claims 22 and 23 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Darbee and U.S. Patent No. 6,266,664 to Russell-Falla et al. ("Russell-Falla") is proper.



## VII. ARGUMENT

### A. The Rejection of Claims 2-13, 16-20, 24 and 25 under 35 U.S.C. § 102(e) as Anticipated by Darbee is Improper

#### 1. The Disclosure of Darbee

Darbee is directed to a remote control unit 10 that includes a display 14. (Figure 1). Display 14 can output a program guide, advertising information or an "EZ Guide", the EZ Guide allowing the display of news sports or weather information. The program guide can be modified to include additional content such as a listing of internet web sites or URL designations. (Col. 8, lines 11-14). An identification of remote control unit 10 or of a user of the device can be employed for downloading to and storing within unit 10 of advertising and programming data. (Col. 3, lines 32-39). The user can be identified by fingerprint recognition or by entering personal identification information. (Col. 4, lines 5-15).

Remote control unit 10 can obtain and store data indicative of user viewing habits in memory. (Col. 10, lines 12-18). The user viewing habit data can include a date stamp, time stamp and/or channel identification data, and when remote control unit 10 is used with a personal or web computer the viewing data can also include an internet address or URL designation stamp. (Col. 10,

lines 18-23). Remote control unit 10 can transmit stored program or content selection history data, serial number, address or user identification data to a set-top box “and on to a given content provider or host system.” (Col. 10, lines 24-29). Data indicative of particular viewing habits or the like that is transmitted to a content provider or host system can be used to provide tailored additional programming or advertisements to be provided to the remote control unit 10. (Col. 10, lines 32-38).

Although Darbee describes that remote control unit 10 can communicate with a set-top box, personal computer or web computer, Darbee does not illustrate these devices and contains very little description of how these devices operate. Darbee also does not mention electronic mail.

2. Darbee Does Not Disclose the Access Destination Storage Means of Appellant’s Claim 2

Appellant’s claim 2 recites a main device that includes access destination storage means that stores “the identification code of said remote controller device and the access destination in a one-to-one correspondence.” As discussed above, Darbee does not describe in detail the operation of a set-top box, personal computer or web computer that interacts with remote control unit 10. As such, Darbee does not disclose that any of these components stores “the identification code of said remote controller device and the access destination in a one-to-one correspondence.”

The final Office Action cites column 10, lines 12-46 of Darbee as disclosing the access destination storage means recited in Appellant's claim 2. Although this section discusses that remote control unit 10 can transmit "stored program or content selection history data ... serial number, address or user identification data to an associated set-top converter box", this section does not disclose that any of this data is stored by the set-top converter box "in a one-to-one correspondence" as recited in Appellant's claim 2. In fact, Darbee discloses that this information is "transmitted to an associated set-top converter box *and on to a given content provider or host system.*" (Col. 10, lines 27-29) (emphasis added). Accordingly, it appears that this information merely passes through the set-top convert box, and is not stored therein, much less storing such information "in a one-to-one correspondence" as recited in Appellant's claim 2.

Nevertheless, the Response to Arguments section of the final Office Action states that "the data stored may include for example, a date stamp, time stamp and/or channel identification data [and that t]here is a one-to-one correspondence between the channel identification data and the channel number." Even if it was assumed that this Darbee discloses storing this data in a one-to-one correspondence, which Darbee does not, such a disclosure would still not disclose the one-to-one correspondence recited in Appellant's claim 2. Appellant's claim 2 recites storing in a one-to-one correspondence "the identification code of said remote controller device and the access destination." Neither of the channel identification data or the channel number can reasonably

be interpreted as an “identification code of said remote controller device” as recited in Appellant’s claim 2.

Moreover, the access destination recited in Appellant’s claim 2 is one that the main device accesses and obtains information therefrom. In contrast, it appears that the television channels in the system of Darbee are broadcast to the set-top converter box, and accordingly, these television channels, the channel identification data or the channel number cannot be reasonably interpreted as the access destination recited in Appellant’s claim 2.

Because Darbee does not disclose each and every element recited in Appellant’s claim 2, Darbee cannot anticipate this claim. Accordingly, the rejection of this claim should be reversed.

3. Darbee Does Not Disclose the Access Destination Storage Means of Claim 3

Appellant’s claim 3 recites that the access destination storage means stores “a mail address as the access destination.” Darbee does not even mention a “mail address”, much less one that is stored as the access destination.

To reject this claim the Final Office Action cites column 10, lines 12-46. There is absolutely no discussion in this section of a mail address. This section,

therefore, cannot disclose an access destination storage means that stores “a mail address as the access destination” as recited in Appellant’s claim 3.

Nevertheless, the Response to Arguments section of the final Office Action states that

Darbee discloses storing the address of the user as user identification data. A program guide is displayed in the LCD of the remote control device. This is the information that is sent from the main device.

The Office Action, however, provides absolutely no explanation why it would be reasonable to interpret Darbee’s “user identification data” as the same as the “mail address” recited in Appellant’s claim 3. The absence of such an explanation is likely due to the fact that this is not an interpretation that would have been made by one of ordinary skill in the art at the time of the invention. Although during examination the Examiner is allowed to give the claims and references their broadest reasonable interpretation, this interpretation must also “be consistent with the interpretation that those skilled in the art would reach.” In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). The final Office Action has produced no evidence that one of ordinary skill in the art would have reasonably interpreted Darbee’s “user identification data” as being the same as the “mail address” recited in Appellant’s claim 3.

Moreover, Appellant’s claim 3 recites that the mail address is stored “as the access destination.” There is no disclosure in Darbee that the “user

identification data” is stored as the access destination, from which, as recited in Appellant’s claim 2, the main device obtains information.

Because Darbee does not disclose all of the elements of Appellant’s claim 3, Darbee cannot anticipate this claim.

4. Darbee Does Not Disclose the Main Device of Appellant’s Claim 6

Appellant’s claim 6 recites that “said information sending means of said main device sends the information to said remote controller device at an information sending destination after appending the identification code of said remote controller device to the information.”

Darbee is completely silent as to whether the set-top box converter, personal computer or web computer appends an identification code to information sent to the remote control.

To reject this element of Appellant’s claim 6 the final Office Action cites column 10, lines 12-46 of Darbee. This section discusses that “serial number, address or user identification data” can be *transmitted to* the set-top converter, and that this information “*maintained within the memory of the remote control unit 10* may be used to filter and/or parse data.” (emphasis added). This section does not, however, mention the set-top box appending this information to

information transmitted *to the remote control unit 10*. Darbee's transmission of a serial number from a remote control unit cannot be interpreted as a main device appending an identification code to information sent to a remote controller device.

5. Darbee Does Not Disclose the Remote Controller Device of Appellant's Claim 6

Appellant's claim 6 recites that the remote controller device "includes display disabling means for, when the information sent from said main device to said display means is not appended with its own identification code, disabling display of the information."

As discussed above, Darbee does not disclose the set-top box appending an identification code to information sent to remote control unit 10. Accordingly, Darbee cannot disclose that when this information is not appended with the remote controller device's own identification code that a display disabling means disables display of this information.

To reject this element of Appellant's claim 6 the final Office Action cites column 10, lines 12-46 of Darbee. This section, however, does not disclose disabling the display of information when such information is not appended with a remote controller device's own identification code.

The Response to Arguments section of the final Office Action states that

Darbee discloses storing the address of the user as user identification data. A program guide is displayed in the LCD of the remote control device. This is the information that is sent from the main device.

However, the mere disclosure of the storage of user identification data and display of a guide cannot be relied upon to anticipate the “display disabling means for, when the information sent from said main device to said display means is not appended with its own identification code” recited in Appellant’s claim 6.

Accordingly, Darbee does not anticipate Appellant’s claim 6.

6. Darbee Does Not Disclose the Main and Remote Controller Devices of Appellant’s Claims 12 and 13

Appellant’s claims 12 and 13 respectively depend from claims 2 and 3.

Claims 12 and 13 each recite:

said information sending means of said main device sends the information to said remote controller device at an information sending destination after appending the identification code of said remote controller device to the information; and

said remote controller device further includes display disabling means for, when the information sent from said main device to said display means is not appended with its own identification code, disabling display of the information.



As discussed above with regard to claim 6, Darbee does not disclose these elements of a main device and remote controller device. Accordingly, for similar reasons to those discussed above, Darbee does not anticipate claims 12 and 13.

7. The Rejection of Appellant's Claim 24 is Improper as a Matter of Law

Appellant's claim 24 depends from claim 23, which in turn depends from independent claim 22. The Office Action recognizes that Darbee does not disclose all of the elements of Appellant's claims 22 and 23, and instead rejects these claims as obvious in view of the combination of Darbee and Russell-Falla. Because dependent claim 24 incorporates all of the elements of claims 23 and 22, from which it depends, and because the Office Action acknowledges that Darbee does not anticipate claims 22 and 23, Darbee cannot anticipate claim 24.

8. Darbee Does Not Disclose a Main Device that Includes the Storage Unit of Appellant's Claim 25

Appellant's claim 25 recites that "the main device includes a storage unit that stores an ID code, electronic mail address and password of the remote controller device in a one-to-one correspondence."

As discussed above, Darbee does not even mention a mail address, and therefore, cannot disclose an electronic mail address. The Office Action cites column 10, lines 10-46, which as discussed above, does not disclose a mail address. Therefore, this section does not disclose an electronic mail address. Accordingly, Darbee cannot anticipate Appellant's claim 25.

B. The Rejection of Claims 22 and 23 under 35 U.S.C. § 103(a) as Obvious in View of the Combination of Darbee Russell-Falla is Improper

1. The Disclosure of Russell-Falla

Russell-Falla discloses a content-recognition technology for filtering, classifying, prioritizing and tracking content of a real-time media stream, such as a web page, e-mail or other digital dataset. This technology can be employed in conjunction with a web-browser client software for screening access to web pages that contain harmful or offensive content. (Abstract).

2. The Combination of Darbee and Russell-Falla Does Not Disclose or Suggest All of the Elements of Appellant's Claim 22

The combination of Darbee and Russell-Falla does not disclose or suggest the steps of receiving a display switching signal and storing a setting based on the received display switching signal as recited in Appellant's claim 22.

Appellant's claim 22 recites "receiving, by the main device from the portable remote controller device, a display switching signal." To reject this element of Appellant's claim 22 the Response to Arguments section of the Office Action states that "a signal to change the channel" in Darbee corresponds to the display switching signal of Appellant's claim 22. The Office Action then relies upon the storage of filtering information of Russell-Falla as corresponding to the storage of a setting for the portable remote controller device recited in Appellant's claim 22.

Appellant's claim 22 also recites that "a setting for the portable remote controller device" is stored based on the display switching signal that is received from the portable remote controller device. Assuming that one of ordinary skill in the art would have been motivated to combine Darbee and Russell-Falla in the manner described in the Office Action, this combination would result in remote control unit sending a signal to change a channel and then the selected channel being filtered. Accordingly, this combination does not disclose or suggest storing a setting based on the signal to change a channel, as would be required under the reasoning provided to support the rejection of Appellant's claim 22.

Moreover, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to combine Darbee and Russell-Falla in the manner described in the Office Action. As discussed above, Darbee is directed mainly to the operation of a remote control device that can display a program

guide, and that the remote control device itself can “filter and/or parse data...that is broadcast by the host system to a group of remote control units.” Accordingly, even if one of ordinary skill in the art were motivated in incorporate the content filtering of Russell-Falla into the system of Darbee, the content filtering would be performed *in the remote control unit 10*, and not in the set-top box, the operation of which is barely described in Darbee. In contrast, Appellant’s claim 22 recites that *a main device* receives a display switching signal, and stores a setting. It appears that the only reason why one of ordinary skill in the art would have been motivated to incorporate the content filtering of Russell-Falla into the barely discussed set-top box of Darbee is for the sole purpose to reject Appellant’s claim 22. Such improper hindsight motivation cannot support an obviousness rejection under 35 U.S.C. § 103(a).

#### **VIII. CONCLUSION**


For at least those reasons set forth above, it is respectfully requested that the rejection of claims 2-13, 16-20, and 22-25 be reversed.

The \$500 Appeal Brief fee is submitted herewith.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 05/1323, Docket No.: 038849.49341US.

Respectfully submitted,

March 1, 2007



Stephen W. Palan  
Registration No. 43,420

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JDS:SWP:crr

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## CLAIMS APPENDIX

1. (Canceled)

2. A network apparatus comprising:

a main device linked to a network represented by the Internet, and  
a portable remote controller device for remotely controlling said main device by means of communication, wherein

said remote controller device includes:

access destination specifying means for specifying an access destination to said main device;

display means for displaying information sent from said main device;

identification code storage means for storing an identification code identifying itself;

said access destination specifying means serving as means for sending said identification code; and

said main device includes:

access means for accessing the access destination specified by said remote controller device and obtaining information therefrom;

information sending means for sending the information obtained by said access means to said remote controller device; and

access destination storage means for storing the identification code of said remote controller device and the access destination in a one-to-one correspondence;

said access means serving as means for accessing the access destination corresponding to the identification code received from said remote controller device.

3. The network apparatus according to Claim 2, wherein

said access destination storage means serves as means for storing a mail address as the access destination.

4. The network apparatus according to claim 6, wherein  
said display means of said remote controller device includes:  
title displaying means for displaying a title of the information sent  
from said main device.
5. The network apparatus according to Claim 4, wherein  
said display means of said remote controller device serves as means  
for, when the title displayed on said title display means is specified, displaying  
the information corresponding to the title specified.
6. A network apparatus, comprising:  
a main device linked to a network represented by the internet, and  
a portable remote controller device for remotely controlling said  
main device by means of communication, wherein  
said remote controller device includes:  
access destination specifying means for specifying an access  
destination to said main device; and  
display means for displaying information sent from said main  
device, and wherein  
said main device includes:  
access means for accessing the access destination specified by said  
remote controller device and obtaining information therefrom; and  
information sending means for sending the information obtained by  
said access means to said remote controller device  
wherein:  
said information sending means of said main device sends the  
information to said remote controller device at an information sending  
destination after appending the identification code of said remote controller  
device to the information; and

said remote controller device further includes display disabling means for, when the information sent from said main device to said display means is not appended with its own identification code, disabling display of the information.

7. The network apparatus according to claim 13, wherein said main device and said remote controller device communicate with each other by means of infrared rays.
8. The network apparatus according to claim 2, wherein said display means of said remote controller device includes:  
title displaying means for displaying a title of the information sent from said main device.
9. The network apparatus according to claim 3, wherein said display means of said remote controller device includes:  
title displaying means for displaying a title of the information sent from said main device.
10. The network apparatus according to claim 2, wherein said display means of said remote controller device serves as means for, when the title displayed on said title display means is specified, displaying the information corresponding to the title specified.
11. The network apparatus according to claim 3, wherein said display means of said remote controller device serves as means for, when the title displayed on said title display means is specified, displaying the information corresponding to the title specified.
12. The network apparatus according to claim 2, wherein:



said information sending means of said main device sends the information to said remote controller device at an information sending destination after appending the identification code of said remote controller device to the information; and

said remote controller device further includes display disabling means for, when the information sent from said main device to said display means is not appended with its own identification code, disabling display of the information.

13. The network apparatus according to claim 3, wherein:

said information sending means of said main device sends the information to said remote controller device at an information sending destination after appending the identification code of said remote controller device to the information; and

said remote controller device further includes display disabling means for, when the information sent from said main device to said display means is not appended with its own identification code, disabling display of the information.

14. (Canceled)

15. (Canceled)

16. The network apparatus according to claim 2, wherein

said main device and said remote controller device communicate with each other by means of infrared rays.

17. The network apparatus according to claim 3, wherein

said main device and said remote controller device communicate with each other by means of infrared rays.

18. The network apparatus according to claim 4, wherein  
said main device and said remote controller device communicate  
with each other by means of infrared rays.

19. The network apparatus according to claim 5, wherein  
said main device and said remote controller device communicate  
with each other by means of infrared rays.

20. The network apparatus according to claim 6, wherein  
said main device and said remote controller device communicate  
with each other by means of infrared rays.

21. (Canceled)

22. A method for accessing information over a network, comprising:  
receiving, by a main device from a portable remote controller device,  
a request for information;  
obtaining, by the main device, the requested information;  
determining whether an output to a display device coupled to the  
main device is allowed;  
disabling the output to the display device when it is determined  
that the output is not allowed;  
providing the requested information to the portable remote  
controller device;  
receiving, by the main device from the portable remote controller  
device, a display switching signal; and  
storing, by the main device, a setting for the portable remote  
controller device based on the display switching signal, wherein the

determination of whether an output to the display device coupled to the main device is allowed is based on the stored setting.

23. The method of claim 22, comprising:

storing, by the main device, a setting for another portable remote controller device based on receipt of a display switching signal from the another portable remote controller device, wherein whether an output to the display device coupled to the main device is allowed for information requested by the another portable remote controller device is based on the stored setting for the another portable remote controller device.

24. The method of claim 23, further comprising:

storing, by the main device, an ID code, electronic mail address and password of each of the portable remote controller device and the another portable remote controller device in a one-to-one correspondence.

25. The network apparatus of claim 6, wherein the main device includes a storage unit that stores an ID code, electronic mail address and password of the remote controller device in a one-to-one correspondence.

**EVIDENCE APPENDIX**

None

**RELATED PROCEEDINGS APPENDIX**

None